

## **TITLE 905 ALCOHOL AND TOBACCO COMMISSION**

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

### **Proposed Rule** LSA Document #02-338

#### **DIGEST**

Adds 905 IAC 1-45 to establish rules regulating tracking of beer kegs under IC 7.1-3-6.5. This rule would provide definitions and procedures to implement said statutes. Effective 30 days after filing with the secretary of state.

#### **905 IAC 1-45**

SECTION 1. 905 IAC 1-45 IS ADDED TO READ AS FOLLOWS:

##### **Rule 45. Tracking Beer Kegs**

##### **905 IAC 1-45-1 Definitions**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-1-3-30; IC 7.1-2-1-1; IC 7.1-2-3-9

**Sec. 1. (a) The following definitions apply throughout this rule:**

(1) "Commission" means the alcohol and tobacco commission, created pursuant to IC 7.1-2-1-1.

(2) "Keg" means a brewery sealed individual container of beer:

(A) destined for retail sale; and

(B) having the liquid capacity of at least seven and three-fourths (7<sup>3</sup>/<sub>4</sub>) gallons.

(3) "Permittee" means a person who holds a permit issued by the commission pursuant to IC 7.1-2-3-9.

(4) "Person" means a person who is not a permittee as defined in IC 7.1-1-3-30.

*(Alcohol and Tobacco Commission; 905 IAC 1-45-1)*

##### **905 IAC 1-45-2 Identification markers**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 2. The commission shall prescribe the form of the identification marker required by IC 7.1-3-6.5. The marker must:**

(1) enable the identification and tracking of the seller of the keg;

(2) be removable or reusable only when the keg is returned to the wholesaler or brewer for refilling;

(3) contain:

(A) the name, address, and commission permit number of the commission *wholesale*, retail or dealer permittee who sold the keg;

(B) the manufacturer's identification number on the keg itself;

(C) the name of the clerk making the sale;

(D) the name, address, and date of birth of the purchaser;

(E) the type of identification card and identification number used to verify the data required by clause (D); and

(F) the dated signature of the purchaser;

(4) be attached to the keg by a material that once removed by a person cannot be reattached to the keg in a manner that could conceal the prior removal; and

(5) be in a form approved by and purchased from the commission *at the amount of the commission's cost for producing it.*

*(Alcohol and Tobacco Commission; 905 IAC 1-45-2)*

**905 IAC 1-45-3 Receipt for the keg**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 3.** A permittee shall require that a person who purchases a keg for consumption at a place other than a commission-licensed premises sign a receipt for the keg. The commission shall prescribe a form for the receipt. The receipt must contain the following information:

- (1) The date of the sale of the keg.
- (2) The size of the keg in gallons.
- (3) The identification number on the keg itself.
- (4) The name, residence address, and date of birth of the purchaser.
- (5) A description of the form of identification presented by the purchaser.

*(Alcohol and Tobacco Commission; 905 IAC 1-45-3)*

**905 IAC 1-45-4 Keeping registration**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 4.** A permittee shall retain a copy of the keg registration for a period of at least two (2) years from the date of purchase of the keg. *(Alcohol and Tobacco Commission; 905 IAC 1-45-4)*

**905 IAC 1-45-5 Removal of identification marker prohibited**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 5.** A permittee, other than a wholesaler or brewer, shall not remove an identification marker placed on a keg pursuant to this rule. *(Alcohol and Tobacco Commission; 905 IAC 1-45-5)*

**905 IAC 1-45-6 Penalties**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 6. (a)** A permittee who, at the time of sale of a keg, fails to:

- (1) place an identification marker on the keg; and
- (2) obtain a signed receipt from the purchaser;

may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law.

**(b)** A permittee, other than a wholesaler or brewer, who removes an identification marker in violation of this rule, may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law. *(Alcohol and Tobacco Commission; 905 IAC 1-45-6)*

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on March 24, 2003 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed new rules to establish the procedures for tracking of beer kegs for off-premises use. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mary L. DePrez  
Chairperson  
Alcohol and Tobacco Commission